

247 CMR: BOARD OF REGISTRATION IN PHARMACY

247 CMR 10.00: DISCIPLINARY PROCEEDINGS

Current Section 10.03 Grounds for Complaint is deleted in its entirety and the following is inserted therefor.

10.03: Grounds for Discipline

(1) The Board may impose disciplinary action against a pharmacist, pharmacy intern, pharmacy technician, pharmacy (including a nuclear or restricted pharmacy), pharmacy department or wholesale distributor, on one or more of the grounds for discipline listed in M.G.L. c. 112, s. 61 or one or more of the following grounds:

- (a) Violating any of the duties and standards set out in Board regulations (247 CMR 2.00 et seq.) or any rule or written policy adopted by the Board;
- (b) Violating any provision of M.G.L. c. 112, ss. 24 through 42A or any provision of state or federal statutes or rules or regulations promulgated thereunder related to the practice of the profession;
- (c) Failing to submit an acceptable plan of correction pursuant to 247 CMR 6.13;
- (d) Failing to remedy or correct a violation cited in a deficiency statement by the date specified in the plan of correction submitted in accordance with 247 CMR 6.13, as accepted or modified by the Board, unless the pharmacy or pharmacy department demonstrates to the satisfaction of the Board that such failure was not due to any neglect of duty and occurred despite his/her good faith attempt to remedy or correct the violations(s) by the specified time;
- (e) Engaging in misconduct in the practice of the profession;
- (f) Engaging in conduct beyond the authorized scope of a pharmacist, pharmacy intern or pharmacy technician;
- (g) Practicing the profession while the ability to practice is impaired by illness, use of alcohol, drugs, chemicals, or any other type of substance, or as a result of any mental or physical condition;
- (h) Engaging in abuse or illegal use of prescription drugs or controlled substances;
- (i) Continuing to practice the profession after a registration is lapsed, suspended or revoked;
- (j) Violating the terms of a Consent Agreement, Final Decision and Order, Surrender Agreement or any other order issued by or agreement entered into with the Board;
- (k) Engaging in conduct that has the capacity or potential to place the public health, safety or welfare at risk;
- (l) Engaging in conduct that has the capacity or potential to deceive or defraud;
- (k) Knowingly permitting, aiding or abetting an unlicensed person to perform activities requiring a license or registration;
- (m) Being convicted of any crime, entering a plea of guilty to any crime, entering a plea of *nolo contendere* to any crime, or admitting to sufficient facts to warrant a finding of guilty of any crime;

- (n) Fraudulently procuring a license or registration or its renewal;
- (o) Providing false information on an application for a license or registration or its renewal;
- (p) Failing without cause, to cooperate with any request by the Board to appear before it or to provide requested information; failing to respond to a Board subpoena or failing to furnish the Board, its investigators or representatives with records, documents, information or testimony to which the Board is legally entitled;
- (q) Engaging in conduct that demonstrates a lack of good moral character;
- (r) Cheating on or attempting to compromise the integrity of any licensing or registration examination;
- (s) Having been disciplined in another jurisdiction in any way for reasons substantially the same as those set forth in this section;
- (t) Engaging in conduct which undermines public confidence in the integrity of the profession;
- (v) Committing an act that violates recognized standards of pharmacy practice;
- (w) Failing to comply with recognized ethical standards of the profession, including, but not limited to, the standards of practice of pharmacists, pharmacy interns, pharmacies and pharmacy departments set forth in 247 CMR 9.01 Code of Conduct for Registered Pharmacists, Pharmacies and Pharmacy Departments; and
- (x) Violation of M.G.L. c. 94C or any rules or regulations promulgated thereunder.

(2) Nothing herein shall limit the Board's adoption of policies and grounds for discipline through adjudication as well as through rulemaking.